

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re Stericycle, Inc.) No. 13 C 5795
Steri-safe Contract Litigation,) MDL No. 2455
) Hon. Milton I. Shadur
)
)

STERICYCLE'S MOTION TO DISMISS TAG-ALONG ACTIONS

Stericycle, Inc.; Stericycle Specialty Waste Solutions, Inc.; Stericycle Communications Solutions, Inc.; Stericycle Management, LLC; Stericycle International, LLC (collectively, “*Stericycle*”), by and through its attorneys, for its Motion to Dismiss Tag-Along Actions (“*Motion*”), state as follows:

1. This Motion is being filed pursuant to the Court's request at the last status in this case. Specifically, the Court requested that Stericycle submit a motion seeking the dismissal without prejudice of the various tag-along actions related to this Multidistrict Litigation ("MDL"). This Motion complies with the Court's request and provides the information necessary to dismiss the tag-along actions.

2. On August 6, 2013, the United States Judicial Panel on Multidistrict Litigation (“*MDL Panel*”) entered an order transferring and centralizing the following cases into a consolidated action before this Court:

- Sassan Alavi, M.D. v. Stericycle, Inc., et al., Case No. 3:13-00880 (S.D. Cal.);
- Lyndon Veterinary Clinic, PLLC v. Stericycle, Inc., Case No. 1:13-02499 (N.D. Ill.);
- Harry C. Midgley, III v. Stericycle, Inc., Case No. 1:13-03448 (N.D. Ill.); and,
- Cochranton Veterinary Hospital v. Stericycle, Inc., Case No. 1:13-00071 (W.D. Pa.).

3. The MDL Panel subsequently transferred four additional cases to the consolidated action before this Court:

<u>Case</u>	<u>Transfer Date & Order</u>
Brucker, M.D., P.C. v. Stericycle, Inc., Case No. 13-01714 (S.D. Cal.)	August 19, 2013 by Conditional Transfer Order (CTO-1)
Boca Integrative Health, P.A. v. Stericycle, Inc., Case No. 13-80847 (S.D. Fla.)	September 5, 2013 by Conditional Transfer Order (CTO-2)
Hair Restoration Center of Utah v. Stericycle, Case No. 13-00792 (D. Utah)	September 6, 2013 by Conditional Transfer Order (CTO-3)
Manhattan Nursing & Rehabilitation Ctr., LLC v. Stericycle, Inc., Case No. 14-00275 (S.D. Miss.)	April 16, 2014 by Conditional Transfer Order (CTO-4)
Kingman Kidney Clinic, Inc. & Nutley Kidney Clinic, LLC v. Stericycle, Inc., Case No. 14-cv-7154 (N.D. Ill., transferred from E.D.N.Y.)	September 15 2014 by Conditional Transfer Order (CTO-5)

4. The primary case now before this Court is the consolidated action, Case No. 13-cv-5795 (MDL No. 2455). On November 12, 2013, a First Amended Consolidated Complaint (“FAC”) was filed in the consolidated action. (Dkt. 62.) Cochranton Veterinary Hospital and Lyndon Veterinary Clinic, PLLC are named plaintiffs in the FAC. (*Id.*)

5. Brucker, M.D., P.C.; Hair Restoration Center of Utah; Manhattan Nursing & Rehabilitation Ctr., LLC; Sassan Alavi, M.D., Kingman Kidney Clinic, Inc., and Nutley Kidney Clinic, LLC are not named plaintiffs in the FAC. There has also been very little communication from counsel for these parties since their cases were transferred into the consolidated action.

6. In addition, two of the transferred cases have been voluntarily dismissed without prejudice. Specifically, on November 19, 2013, Plaintiffs Harry C. Midgley III, Anesthesia & Pain Medicine, P.A., and Doctors Outpatient Surgery Center of Jupiter, L.L.C. d/b/a Laser & Surgery Center of the Palm Beaches voluntarily dismissed their case without prejudice pursuant

to Federal Rule of Civil Procedure 41. (Dkt. 67.) On November 21, 2013, Plaintiff Boca Integrative Health, P.A, also voluntarily dismissed its case without prejudice pursuant to Federal Rule of Civil Procedure 41. (Dkt. 72.)

7. Given the consolidation of the numerous actions related to this MDL, the voluntary dismissal of two tag-along actions, and the lack of communication from counsel for the remaining tag-along actions, in the interest of judicial economy and efficiency Stericycle requests the dismissal without prejudice of the remaining tag-along actions:

- Brucker, M.D., P.C. v. Stericycle, Inc., Case No. 13-01714 (S.D. Cal.);
- Hair Restoration Center of Utah v. Stericycle, Case No. 13-00792 (D. Utah);
- Manhattan Nursing & Rehabilitation Ctr., LLC v. Stericycle, Inc., Case No. 14-00275 (S.D. Miss.);
- Sassan Alavi, M.D. v. Stericycle, Inc., et al., Case No. 3:13-00880 (S.D. Cal.); and,
- Kingman Kidney Clinic, Inc. et al. v. Stericycle, Inc., Case No. 14-cv-7154 (N.D. Ill., transferred from E.D.N.Y.).

WHEREFORE, Stericycle respectfully requests that the Court dismiss the tag-along actions identified in Paragraph 7 without prejudice.

**STERICYCLE, INC.; STERICYCLE SPECIALTY
WASTE SOLUTIONS, INC.; STERICYCLE
COMMUNICATIONS SOLUTIONS, INC.;
STERICYCLE MANAGEMENT, LLC; and
STERICYCLE INTERNATIONAL, LLC**

By: /s/ Elinor Hart Murárová
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CERTIFICATE OF SERVICE

The undersigned attorney certifies that on December 19, 2014, she caused the foregoing document to be electronically filed with the Clerk of the U.S. District Court, using the Court's CM/ECF system, which will send electronic notification of the filing to those parties who have appeared and are registered as CM/ECF participants in this matter. Parties may access this filing through the Court's system.

/s/ *Elinor Hart Murárová*